

UTILITY PATENT APPLICATION TRANSMITTAL LETTER

The Assistant Commissioner
For Patents
Washington, D.C. 20231

Transmitted herewith for filing in the patent application of:

Rony A. ABOVITZ; William F. TAPIA; and Robert F. FRECHETTE

For: DIGITAL MINIMALLY INVASIVE SURGERY SYSTEM

Enclosed are:

- [XX] 23 pages of specification: 12 pages description; 10 pages claims; 1 page abstract.
[XX] 3 sheets of drawing(s) including FIGURES 1-3.
[XX] A Declaration for Patent Application.
[XX] An Assignment of the invention to Z-KAT INC. (Small Entity).
[XX] Applicant hereby claims Small Entity Status (see 37 CFR 1.27).
[XX] A Request & Certification Under 35 U.S.C. 122(b) (2) (B) (i).
[XX] Utility Patent Application Initial Information Data Sheet.
[] A Form PTO-1449 and references.

| CLAIMS AS FILED | | | | |
|---------------------|--|-----------|--------------------------------|------------------|
| FOR | NO. FILED | NO. EXTRA | RATE | FEE |
| TOTAL CLAIMS | 38 - 20 = | 18 | [] \$18 LARGE [XX] \$ 9 SMALL | \$ 162.00 |
| INDEPENDENT CLAIMS | 6 - 3 = | 3 | [] \$84 LARGE [XX] \$42 SMALL | \$ 126.00 |
| BASIC FEE | [] LARGE ENTITY \$740 [XX] SMALL ENTITY \$370 | | | |
| TOTAL FILING FEE \$ | | | | 370.00 658.00 |

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Date

Attorney of Record

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**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

| | |
|----------------------|--|
| First Named Inventor | R. ABOVITZ, et al. |
| Title | DIGITAL MINIMALLY INVASIVE SURGERY SYSTEM |
| Atty Docket Number | ZKT 2 0014 |

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

October 16, 2001

Date



Signature

Thomas E. KOCOVSKY, Jr., 28,383

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This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(III)).**

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